

## **REMARKS**

### **Claim Rejections**

Claims 1 and 6-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leonaggeo et al. (5,646,605) in view of Acimovic et al. (5,517,185). Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over Leonaggeo et al. in view of Acimovic et al. and further in view of Jean-Claude et al. (6,078,653).

### **Claim Amendments**

By this Amendment, Applicant has canceled claims 6-11 and amended claim 1 of this application. It is believed that the amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

On page 6 of the outstanding Office Action, the Examiner states:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use their **cellular as a key** to pass the identity recognition and to open the gate...) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

Applicant respectfully disagrees that even though the words "cellular as a key" are not used, the recitation in claim 1 reveals that the resident utilizes their cellular as a key to open the gate, as shown bellow.

Claim 1, lines 33-37, states:

when the incoming phone number of the cellular phone collected by said incoming phone number collecting module is identical to one of the phone numbers stored in said database, said CPU will send a signal to unlock said gate, whereby the resident utilizes a cellular phone to dial said entrance intercom system for unlocking said gate.

It is believed that claim 1 clearly and definitely states that the residents utilize their cellular phone to dial the system for unlocking the gate when their phone numbers are identical to that stored in the database. Applicant respectfully submits that limitation of claim 1 listed above is the same as the phrase "as a key", otherwise what would the phrase "as a key" mean?

Further, claim 1, lines 15-20, states:

an incoming phone numbers collecting module, connected with said communication module and said CPU respectively, collecting the incoming phone numbers, said CPU compares said incoming phone numbers and the phone numbers of the residents stored in said data base, when the incoming phone number is identical to one of the phone numbers of the residents in said data base, said CPU will send a signal to unlock said gate . . . .

This limitation further illustrates how the cellular phone is used as a key for opening the gate, rather than just illustrating that the residents utilize their cellular phone as a key.

Applicant submits that even if the teachings of Leonaggeo et al., Acimovic et al., and Jean-Claude et al. were combined, as suggested by the Examiner, the resultant combination does not suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's amended claims.

Accordingly, applicant respectfully requests the Examiner to withdraw the rejections and expedite this application to be passed to issue.

### **Summary**

In view of the foregoing, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should the Examiner not be of the opinion that this case is in condition for allowance, it is requested that this amendment be entered for the purposes of appeal, since it materially reduces the issues on appeal by cancelling claims 6-11, thereby rendering moot the outstanding rejections under 35 U.S.C. § 103.

Application No. 10/607,112

Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:

  
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Bruce H. Troxell  
Reg. No. 26,592

TROXELL LAW OFFICE PLLC  
5205 Leesburg Pike, Suite 1404  
Falls Church, Virginia 22041  
Telephone: 703 575-2711  
Telefax: 703 575-2707